IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 2081 OF 2007

Maharashtra State Co-op.Bank Ltd..... Petitioner

versus

The Co-op Bank Employees Union,
Nashik and others ..... Respondent.

Shri A.D.Shetty with Rita Joshi for the petitioner
Shri. M.S. Topkar for Respondent no.1.

CORAM; A.P. DESHPANDE, J.
DATED; 28TH MARCH, 2007

P.C.;

1. The petitioner takes exception to an interlocutory order passed by the Industrial Court dated 9-10-2006, allowig the application filed by the complainant union at Exh. U-2. The learned counsel for the respondent points out that after passing of the interlocutory order, evidence of both the sides has been recorded and the complaint is now fixed for final hearing before the Industrial court, Nashik on 2-4-2007. The petition has been filed on 20-3-2007. As the main complaint itself is fixed for final hearing on 2-4-2007, I do not feel it appropriate to interfere with the interlocutory order at this stage. However, it is made clear that all the grounds that are raised in this petition, shall be available to the petitioner for being canvased, if the decision in the complaint

goes against the petitioner and petitioner is required to challege the same. At this stage the learned counsel for the petitioner apprehends that the observations made in the interlocatory order may weigh with Industrial court while deciding the complaint finally. It is obvious that the observations made while disposing of the application in Exh.U-2 are primafacie in nature and the same cannot weigh with the Industrial court while deciding the main complaint. Hence no direction in that regard is necessary.

4. As the main complaint itself is fixed for final hearing on 2-4-2007 the respondent union shall not proceed to take coercive action.

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